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SO ORDERED.



LEWIS J. LIMAN
United States District Judge

May 2, 2024

Via ECF

Hon. Lewis J. Liman, United States District Judge
Southern District of New York

The motion is GRANTED. Discovery is stayed and the Case Management Plan and Discovery Order is held in abeyance pending resolution of the class/collective claims related to unpaid wages and individual retaliation claims by motion or mediation.

DATE: May 2, 2024

Re:

Case No. 23-cv-08897, Amaya et al v. La Grande Boucherie LLC et al

Dear Judge Liman:

We represent Defendants in the above-referenced purported class and collective action for unpaid wages under the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”). The action also contains separate individual claims for labor law retaliation by one of the named plaintiffs.

On November 7, 2023, Defendants filed a motion to dismiss the complaint [Doc 20]. Plaintiffs then filed an Amended Complaint (“AC”) [Doc 25]. On December 19, 2023, Defendants filed a motion to dismiss the AC [Doc 27], which Plaintiffs opposed [Doc 32]. On December 27, 2023, the Court held an initial conference whereat the merits of the motion to dismiss were discussed. Ultimately, the Court referred the parties to mediation.

The parties exchanged initial disclosures and then attended mediation on April 26, 2024. After both sides consulted with the mediator at length, the parties agreed as follows: 1) the mediator will meet with the parties for a second mediation session on May 29, 2024 to discuss the class/collective claims related to unpaid wages only; and 2) the mediator will meet with the parties a third and separate time, on a date to be determined in June 2024, to discuss the separate matter of the individual retaliation claims.

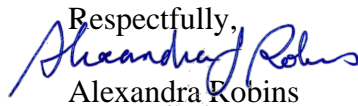
Pursuant to the Case Management Plan and Scheduling Order [Doc 37], fact discovery is to be completed by June 26, 2024. However, in light of Defendants’ pending dispositive motion, and the parties’ concurrent attempts to deal with the different aspects of this case in May and June 2024 with the assistance of the mediator, Defendants respectfully request that the Court stay discovery at the present time and hold the Case Management Plan and Discovery Order in abeyance until the two aspects of the case are either resolved by motion, by mediation, or some combination of the two. Proceeding along three parallel tracks - - pre-answer motion practice, mediation, and discovery - - will undercut any progress towards conciliation being made by the mediator, as Defendants continue to maintain that the federal wage claim should be dismissed as a matter of law, the state wage claims dismissed without prejudice, and the individual retaliation claims decided separately.

Plaintiffs’ position: Plaintiffs consent to Defendants’ Stay Request to streamline this matter and conserve resources in an effort to reach resolution. Plaintiffs fully stand by their Opposition

to Defendants' Motion to Dismiss, which clearly establishes that Defendants' motion is without merit and premature.

The mediator has advised that they are of the opinion that a ruling on the motion to dismiss prior to the mediation would assist the parties in resolving the matter at the May 29, 2024 mediation.

We thank the Court for its attention to this matter.

Respectfully,

Alexandra Robins

C: *All Counsel of Record via ECF*